

## **BMV “Cheat Sheet” for Chemical Tests**

### **1) Person Submits to a Certified Chemical Test**

- a) Under Legal Limit  
No license suspension
- b) Results not available  
No license suspension
- c) Over Legal Limit (9-30-6-9(c))
  - i) Upon receipt of affidavit, BMV shall suspend driving privileges of a person for:
    - (a) 180 days; or
    - (b) Until the Court notifies the BMV that the case is resolved.
  - ii) A person whose driving privileges are suspended for OVWI under 9-30-5-10 **is entitled to credit** for any days during which the person’s driving privileges were suspended under 9-30-6-9(c). (9-30-5-14)

### **2) Person Refuses to Submit to a Certified Chemical Test (9-30-6-9(b))**

- a) No prior OVWI convictions
  - i) BMV shall suspend driving privileges for 1 year (9-30-6-9(b)(1)(A))
  - ii) A Court may terminate the refusal suspension (9-30-6-9(b)(2))
- b) Prior OVWI conviction(s)
  - i) BMV shall suspend driving privileges for 2 years (9-30-6-9(b)(1)(B))
  - ii) A Court may terminate the refusal suspension (9-30-6-9(b)(2))
- c) Suspension Credit
  - i) A person whose driving privileges are suspended for OVWI under 9-30-5-10 **is NOT entitled to credit** for any days during which the person’s driving privileges were suspended under 9-30-6-9(b). (9-30-5-14)
  - ii) Period of suspension imposed under 9-30-5-10 must be consecutive to suspension for refusal under 9-30-6-9(b).
  - iii) If court finds in the sentencing order that it is in the best interest of society, court may terminate all or any part of the remaining suspension for refusal under 9-30-6-9(b).

### **3) Person Refuses to Submit to a Certified Chemical Test but is Ordered to Submit (9-30-6-6)**

- a) No prior OVWI convictions
  - i) BMV shall suspend driving privileges for 1 year (9-30-6-9(b)(1)(A))
  - ii) A Court may terminate the refusal suspension (9-30-6-9(b)(2))
- b) Prior OVWI conviction(s)
  - i) BMV shall suspend driving privileges for 2 years (9-30-6-9(b)(1)(B))
  - ii) A Court may terminate the refusal suspension (9-30-6-9(b)(2))
- c) Suspension Credit
  - i) A person whose driving privileges are suspended for OVWI under 9-30-5-10 **is NOT entitled to credit** for any days during which the person’s driving privileges were suspended under 9-30-6-9(b).
  - ii) Period of suspension imposed under 9-30-5-10 must be consecutive to suspension for refusal under 9-30-6-9(b).
  - iii) If court finds in the sentencing order that it is in the best interest of society, court may terminate all or any part of the remaining suspension for refusal under 9-30-6-9(b).